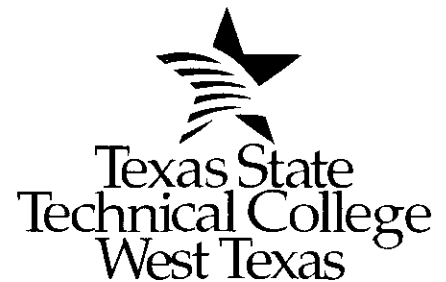


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Sweetwater

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SWEETWATER, TEXAS 79556

October 19, 2007

VIA HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 12th Street, SW, TW-325
Washington, DC 20554

FILED/ACCEPTED

OCT 19 2007

Federal Communications Commission
Office of the Secretary

RE: *September 28, 2007 Ex Parte Clarification Proposal of Sprint et al. in re Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Education and other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands, WT Docket No. 03-66; Forty-One Late-Filed Applications for Renewal of Educational Broadband Service Stations, Memorandum Opinion and Order, DA 07-205, File No. 0002525897 et al.; Pending Applications For Reinstatement and Late-Renewal of Educational Broadband Service Licenses.*

Dear Ms. Dortch:

Texas State Technical College ("TSTC"), which had filed a request for waiver, reinstatement, and late filed renewal of its EBS station WLX928 at Lubbock, Texas (File No. 00028841940), hereby submits the following comments, in response to an Ex Parte Communication filed on September 28, 2007 ("The Clarification Proposal") by Sprint Nextel Corporation, Clearwire Corporation, NextWave Wireless Inc., Xanadoo, LLC, the Catholic Television Network, the National ITFS Association, and The Wireless Communications Association International, Inc. (collectively "Joint Commenters") which effectively attempts to affect the outcomes of more than 100 pending adjudicatory matters by promoting their so-called Clarification Proposal as a way of resolving an alleged GSA controversy.

The Commission must not allow Joint Commenters to impermissibly bypass the procedural requirements for participation in adjudicatory proceedings in order to effectively influence the allowable outcomes of numerous pending cases. Of the Joint Commenters, only Sprint timely sought to inject itself into the numerous pending late-filed requests for reinstatements and renewal of EBS licenses. In such cases, Sprint's standing to participate has been repeatedly challenged.¹ The remaining Joint Commenters are not parties to TSTC's pending proceeding, nor, as far as TSTC can tell, to any of the more than 100 pending late-filed renewal cases. Allowing them to belatedly inject themselves in all of those pending

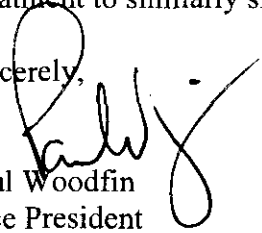
¹ See e.g. *School Board of Palm Beach County, Florida*, Memorandum Opinion and Order DA-07-298, released January 29, 2007.

adjudicatory matters without any showing of standing would fly in the face of established Commission procedure and would stand the FCC's Rules on their head.

The very purpose of this so-called Clarification Proposal would be to foreclose the issue of whether or not a station was "in existence" on January 10, 2005, a controversy central to many of the adjudicatory proceedings pending before the Commission. By bypassing the Commission's procedural hurdles, the Joint Commenters are attempting to influence the potential outcomes of all of these adjudicatory proceedings by effectively changing, outside of such proceedings, the boundaries of the relief that may be provided to such licensees by the Commission. Under the proposed clarification, the Commission would give up its traditional discretion to reinstate the licenses of the pending late-filed renewal applicants *nunc pro tunc*, as continuous from the date they first lapsed. The effect of this change would be to deny such parties, if restored, a continuous license, and instead insert a gap in the license in order to procedurally deprive many of such restored licensees of portions of their service areas. Such an approach would ensure inconsistent treatment for licensees like TSTC from that recently afforded by the Commission to other similarly situated EBS licensees, and would place the Commission in conflict with the well established requirement that administrative agencies provide equal treatment to similarly situated parties.² It would also result in a troubling outcome of having the Commission apply a newly enunciated policy interpretation retroactively against petitioners already on file. Additionally, the clarification would effectively deny the Commission needed flexibility in deciding cases based on the compelling circumstances of each case.³

The Commission must not and cannot allow its processes to be gutted and hijacked by any group of industry insiders simply to appease Sprint for its more than one hundred unjustified and improper protests. The Commission must not limit its options through the adoption of the proposed clarification, but should instead continue in the public interest to evaluate each late-filed renewal request on its merits and provide equal treatment to similarly situated applicants.

Sincerely,


Paul Woodfin
Vice President
Financial & Administrative Services

cc: service list

² See *Melody Music, Inc. v. FCC*, 345 F.2d 730 (DC Cir 1965).

³ Certainly in TSTC's case, the more than 50% reduction in WLX928's service area (including half of its community of license) that would result from an adoption of the so called clarification would not serve the public interest.

Certificate of Service

I, Paul Woodfin, Vice President, Financial & Administrative Services at Texas State Technical College West Texas, hereby certify that the foregoing Comments were served this 19th day of October, 2007 by the United States Postal Service, First Class postage prepaid, addressed as follows:

<p>Daniel Gonzalez* Federal Communications Commission Office of Chairman Martin 445 12th Street, S.W. Room 8-B201 Washington, DC 205</p> <p>Bruce Gottlieb* Federal Communications Commission Office of Commissioner Copps 445 12th Street, S.W. Room 8-B115 Washington, DC 20554</p> <p>Aaron Goldberger* Federal Communications Commission Office of Chairman Martin 445 12th Street, S.W. Room 8-B201 Washington, DC 20554</p> <p>Fred Campbell* Federal Communications Commission Wireless Telecommunications Bureau 445 12th Street, S.W. Room 3-A200 Washington, DC 20554</p> <p>Nancy Zaczek* Federal Communications Commission Wireless Telecommunications Bureau 445 12th Street, S.W. Room 3-A260 Washington, DC 20554</p> <p>Jennifer M. McCarthy Vice President, Regulatory Affairs NextWave Wireless Inc 12670 High Bluff Drive</p> <p>Lewis V. Murray, Jr. Bowling Green School 700 Varnado Street Franklinton, LA 70438</p>	<p>Renee Crittendon* Federal Communications Commission Office of Commissioner Adelstein 445 12th Street, S.W. Room 8-A302 Washington, DC 20554</p> <p>Angela Giancarlo* Federal Communications Commission Office of Commissioner McDowell 445 12th Street, S.W. Room 8-C302 Washington, DC 20554</p> <p>Cathleen Massey* Federal Communications Commission Wireless Telecommunications Bureau 445 12th Street, S.W. Room 3-C250 Washington, DC 20554</p> <p>Joel Taubenblatt* Federal Communications Commission Wireless Telecommunications Bureau 445 12th Street, S.W. Room 3-C124 Washington, DC 20554</p> <p>Samuel Feder* Federal Communications Commission Office of The General Counsel 445 12th Street, S.W. Room 8-C750 Washington, DC 20554</p> <p>Wayne Leighton* Federal Communications Commission Office of Commissioner Tate 445 12th Street, S.W., Room 8-A204 Washington, DC 20554</p> <p>Trey Hanbury Sprint Nextel Corporation 2001 Edmund Halley Drive Reston, VA 20191</p>
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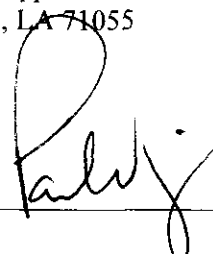
<p>William Crowder Cooter Reorganized School District R—IV Highway E Cooter, MO 63839</p> <p>Hugh Lloyd Lloyd & Dinning, LLC 501 North Walnut Demopolis, AL 36732</p> <p>Lawrence V. Behr JRZ Associates P.O. Box 8026 3400 Tupper Drive Greenville, NC 27835</p> <p>Lynne Scalia Monforton School 6001 Monforton School Drive Bozeman, MT 59718</p> <p>Phillip T. Susmann Norwich University 155 Harmon Drive Northfield, VT 05663</p> <p>Mary N. O'Connor Wilkinson Barker Knauer, LLP 2300 N Street, NW, Suite 700 Washington, DC 20037</p> <p>Evan D. Carb Law Offices of Evan D. Carb, LLC 1615 L Street, NW Suite 1325 Washington, DC 20036</p> <p>Gene Glover, , Superintendent Hempstead Independent School District P.O. Box 1007 Hempstead, TX 77445</p> <p>Michael L. Connell Wahpeton Public Schools 1505 11th Street North Wahpeton, ND 58075</p>	<p>Mike Manuel Dothan City Board of Education 500 Dusy Street Dothan, AL 36301</p> <p>Clyde Parsons Hondo Independent School District 2604 Avenue E Hondo, TX 78861</p> <p>Lee Beaumont Liberty University, Inc. S. 1 Beaumont 1971 University Blvd. Lynchburg, VA 24502-2269</p> <p>Dr. Samuel Kerr National American University 5301 S. Highway 16, Suite 200 Rapid City, SD 57701</p> <p>James Holton, Jr. Glascok County Schools 738 Railroad Avenue Gibson, GA 30810</p> <p>John P. O'Connell Houston Academy 1001 Buena Vista Drive Dothan, AL 36303</p> <p>John Brinkley Linn Country R-I Public School P.O. Box 130 Purdin, MO 64670</p> <p>Iris F. Rosario Gray Plant Mooty Mooty & Bennett 2600 Virginia Avenue, NW Suite 1111 Washington, DC 20037</p> <p>Mitchell Fisher, Superintendent South Periscot District R-V 611 Beasley Steele, MO 63877</p>
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<p>Director of Schools Giles County Board of Education 720 West Flowers Street Pulaski, TN 38478</p> <p>Santa Fe Trail USD #434 P.O. Box 310 1663 East Highway 56 Carbondale, KS 66414</p> <p>Glynn County School System 1313 Egmont Street Brunswick, GA 31520</p> <p>Francis A. Schill Cavalier Public School District #6 P.O. Box N Cavalier, ND 58220</p> <p>Ms. Sharon E. Hilliard 1246 Stratford Ct Del Mar, CA 92014</p> <p>W. Steven Smith University of North Alabama P.O. Box 5003 One Harrison Plaza Florence, AL 35632</p> <p>Stephen E. Coran Rini Coran, PC 1615 L Street, NW, Ste 1325 Washington DC 20036</p> <p>John Heard III, Superintendent Robert C. Hatch High School P.O. Box 900 Marion, AL 36756</p> <p>Lawrence County Board of Education 700 Mahr Avenue Lawrenceburg, TN 38464</p> <p>Dr. Don Elam, Superintendent Bibb County High School 220 Birmingham Road Centerville, AL 35042</p>	<p>Craig A. Gilley Fleischman & Walsh, LLP 1919 Pennsylvania Avenue, NW Suite 600 Washington, DC 20036</p> <p>Stephen Twitchell Independent School Districts 709, 789, 790 405 Main Street West Eagle Bend, MN 56446</p> <p>Schwartz, Woods & Miller The Lion Building, Suite 610 1233 20th Street, NW Washington, DC 20036-7322</p> <p>Veronica McGee Seventh Day Adventist School 11 Valley Road Lawrenceburg, TN 38464</p> <p>Dr. Robert Green University of Massachusetts, Dartmouth 285 Old Westport Road North Dartmouth, MA 02747</p> <p>Rev. Denzell Teague Victory Christian Academy 224 East Monroe Avenue Grants, NM 87020</p> <p>Mayetta Unified School District #337 P.O. Box 219 101 West Main Street Mayetta, KS 66509</p> <p>Father Brian Connor Aquinas High School 3420 MN, P.O.Box 149 David City, NE 68632</p> <p>Holton Unified School District 515 Pennsylvania Holton, KS 664436</p>
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<p>George W. Bott, Secretary Albion Community Development Corporation, Inc. P.O. Box 457 51 N. Main Street Albion, NY 14411</p> <p>The Curators of The University of Missouri 225 University Hall Columbia, MO 65201 ATTN Mary Sapp, Director of Bus. Svcs.</p> <p>Kenneth Ford Board of Cooperative Educational Services P.O. Box 70 Middle Settlement Road New Hartford, NY 13413</p> <p>Paul J. Sinderbrand Wilkinson Barker Knauer, LLP 2300 N Street, NW, Suite 700 Washington, DC 20037</p> <p>James Hyder, Esq. Burke County Middle School 789 Perimeter Road Wayneboro, GA 30830</p> <p>William K. Keane, Esq. Duane Morris LLP Suite 700 1667 K Street, NW Washington, DC 20006-1608</p> <p>John Heard III, Superintendent Robert C. Hatch High School P.O. Box 900 Marion, AL 36756</p> <p>Wilcox County Board of Education 2210 Highway 221 North Camden, AL 36726 ATTN: Angela Parham</p>	<p>Superintendent of Schools Shelby School District #32 650 North Walnut Shelby, NE 68662</p> <p>Ramsey L. Woodworth, Esq. Irwin Campbell & Tannenwald, PC 1730 Rhode Island Avenue, NW Suite 200 Washington, DC 20036-0354</p> <p>John Walts Utopia Independent School District 258 School Street, P.O. Box 880 Utopia, TX 78884</p> <p>Thomas J. Alstrom Peabody-Burns USD #398 506 Elm Street Peabody, KS 66866</p> <p>Sweet Briar Institute/ College P.O. Box D Sweet Briar, VA 24595</p> <p>Cecily Cohen Nokia and Nokia Siemens Networks 1401 K Street NW, Suite 450 Washington, DC 20005</p> <p>Dr. Judy M. Merritt, President Jefferson State Community College 2601 Carson Road Birmingham, AL 35215</p> <p>Santa Fe Community College 6401 Richards Avenue Santa Fe, NM 87508-4887</p> <p>The College of Santa Fe 1600 St. Michaels Drive Santa Fe, NM 87505</p> <p>Dr. Judy M. Merritt, President Jefferson State Community College 2601 Carson Road Birmingham, AL 35215</p>
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<p>Landmark Baptist Church, Receiver for Bethel Christian School ATTN: Dennis McKinley 509 N. 8th Street Carlsbad, NM 88220</p> <p>Burke Co Middle School 789 Perimeter Road Waynesboro, GA 30830 ATTN: Mr. James Hyder, Esq.</p> <p>Jefferson Co BOE Carl Bethune PO Box 449 1001 Peachtree Street Louisville, GA 30434</p> <p>Swanville Public Schools 602 Degraf Street Swanville, MN 56382 ATTN: Gene Harthan</p> <p>Elizabeth High School 440 Live Oak Street Elizabeth, LA 70638</p> <p>North Florida MMDS Partnership 2203 Pasadena Place South Gulfport, Fl 33707</p> <p>Lane College 545 Lane Avenue Jackson, TN 38301</p> <p>Turner Independent School District P.O. Box 159 Highway 32 West Burneyville, OK 73430 ATTN: Donald Simmons</p> <p>Bonnie D. O'Connell 2203 Pasadena Place South Gulfport, FL 33707</p>	<p>Jane O. Sanders, President Burlington College 95 North Avenue Burlington, VT 05401</p> <p>Cheryl Crate Xanadoo, LLC 225 City Line Avenue, Suite 200 Bala Cynwyd, PA 19004</p> <p>Bellville Independent School District c/o Mr. Tim Junek Chief Financial Officer 518 South Mathews Street Bellville, TX 77418</p> <p>Chattanooga State Technical Community College Judy Lowe 4501 Amnicola Highway Chattanooga, TN 37406-1097</p> <p>The School Board Of Miami-Dade County Florida 172 N.E. 15th Street Miami, FL 33132 ATTN: John Labonia</p> <p>Saint Michaels College One Winooski Park Colchester, VT 05439 ATTN: William Anderson</p> <p>Cook County Schools 1109 North Parrish Avenue Adel, GA 31620 ATTN: Dr.Fred Rayfield</p> <p>Revere C-3 Community School One Bulldog Drive Revere, MO 63465 ATTN: Ryan Horner</p> <p>East Otero R-1 School District 1802 Colorado, Suite 200 La Junta, CO 81050</p>
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<p>West Central Illinois ED Telecom Corp. 1475 E. Plummer Blvd. Chatham, IL 62629-8090 ATTN: Rich Plotkin</p> <p>Burlington College 95 North Avenue Burlington, VT 05401 ATTN: Jane Sanders</p> <p>Wayne County Board of Education 419 South Main Street Waynesboro, TN 38485 ATTN: Jerry Pigg</p> <p>Canton R-V School District 200 S. Fourth Street Canton, MO 63435</p> <p>Stromsburg School District #10 401 East 4th Street Stromsburg, NE 68666</p> <p>Foreign Language and Culture Foundation 850 Fay Road Syracuse, NY 13219 ATTN: Kathleen Simcox</p> <p>Florida Community College at Jacksonville 501 W. State Street Jacksonville, FL 32202 ATTN: Jeanne Miller</p> <p>International Business College NM Inc. 650 E. Montana Suite F Las Cruces, NM 88001</p> <p>Oak Forest Academy 600 Walnut Street Amite, LA 70422</p> <p>Hubbard Hospital 1005 D.B. Todd Blvd. Nashville, TN 37208</p>	<p>Oakdale High School 101 N. 13th Street Oakdale, LA 71463</p> <p>Coastal Bend College 3800 Charco Road Beeville, TX 78102 ATTN: Dr. Thomas Baynum</p> <p>The University of South Florida 4202 Fowler Avenue, SVC 1072 Tampa, FL 33620 ATTN: Lynn Rejniak</p> <p>Sesser-Valier Community Unit #196 4626 State Highway 154 Sesser, IL 62884 ATTN: Jason Henry</p> <p>Independent School District #786 301 Central Avenue S Bertha, MN 56437 ATTN: Robert Sieling</p> <p>Shelby County C-1 Schools 3071 HWY 15 Shelbyville, MO 63469-2225 ATTN: Larry Smoot</p> <p>Francis Marion High School P.O. Box 900 Marion, AL 36756 ATTN: Superintendent</p> <p>Hermleigh Independent School District 1026 School Avenue Hermleigh, TX 79526 ATTN: Superintendent</p> <p>Archd Hartford Diocesan School Office 15 Peach Orchard Road Prospect, CT 06102 ATTN: Rev. John Gatzak</p>
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<p>Trenton Special School District 201 W. 10th Street Trenton, TN 37074</p> <p>Utica College of Syracuse University Burrstone Road Utica, NY 13502</p> <p>Carrollton Farmers Branch ISD 1445 North Perry Road Carrollton, TX 75011</p> <p>Grace Lutheran School 2713 Flagler Avenue Key West, FL 33040 ATTN: David Kolhagen</p> <p>Mary Immaculate Star of the Sea School 1010 Windsor Avenue Key West, FL 33040</p> <p>Minford Local School District PO Box 204 Minford, OH 45653</p> <p>New Boston Local School District 522 Glenwood Avenue New Boston, OH 45662</p> <p>Riverview School District 810 Raider Drive Searcy, AR 72143</p> <p>National Conference on Citizenship PO Box 15129 Chevy Chase MD 20825</p> <p>Veblen School District 516 8th Avenue W Sisseton, SD 57262 ATTN: Cheryl Karst</p>	<p>Meharry Medical Collage 1005 Todd Blvd.. Nashville, TN 37208</p> <p>Rockne Educational Television 320 Hamilton Street Albion, NY 14411</p> <p>Tri County R-VII Schools 904 W. Auberry Grove Jamesport, MO 64648</p> <p>West Blocton High School 100 School Street West Blocton, AL 35184</p> <p>Dallas-Fort Worth Hospital Council 250 Decker Court Irving, TX 75062</p> <p>Lawrence County Board of Education 14131 Market Street Moulton, AL 35650</p> <p>Mendocino Lake Community College District 1000 Hensley Creek Road Ukiah, CA 95482</p> <p>McCurtain County Higher Education Program P.O. Box 178, RT. 3 Idabel, OK 74745</p> <p>Otero Junior College 1802 Colorado Avenue La Junta, CO 81050</p> <p>Springhill High School 1442 Sheppard Street Minden, LA 71055</p> 
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* Service copy also provided via email